

AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 955

Introduced by Assembly Member Huber

February 18, 2011

An act to amend Section 13291 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 955, as amended, Huber. Onsite sewage treatment systems.

Existing law, the Porter-Cologne Water Quality Control Act, on or before January 1, 2004, requires the State Water Resources Control Board, in consultation with other entities, to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems. The act requires the state board to apply those regulations or standards to those systems commencing 6 months after their adoption. The act requires the regulations or standards to include exemption criteria established by the California regional water quality control boards. The act requires the regulations to include minimum operating requirements and requires that the regulations authorize a qualified local agency to implement the requirements adopted under the act if the local agency requests authorization.

This bill would require the ~~state board to classify onsite sewage treatment systems into regulatory tiers based on the demonstrated risk each system poses to the public health and environment~~ *regulations or standards to consist of a risk-based, tiered approach*. The bill would specify that the exemption criteria to be contained in the regulations *or standards* may also be established by the state board in addition to the regional boards. The bill would delete from the local agency

implementation provision the condition that the local agency request authorization.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) The Legislature commends the State Water Resources
3 Control Board for listening to public concerns regarding the onsite
4 sewage treatment system regulatory program and responding to
5 those concerns by reevaluating regulations adopted pursuant to
6 Chapter 781 of the Statutes of 2000 (Assembly Bill 885 of the
7 1999–00 Regular Session).

8 (b) The Legislature encourages the board to draft regulations
9 that ensure local control, cure failing septic systems, and minimize
10 cost to homeowners.

11 (c) It is the intent of the Legislature to assist the board's efforts
12 through clarifying legislation if necessary.

13 SEC. 2. Section 13291 of the Water Code, ~~as amended by~~
14 ~~Chapter 288 of the Statutes of 2010~~, is amended to read:

15 13291. (a) On or before January 1, 2004, the state board, in
16 consultation with the State Department of Public Health, the
17 California Coastal Commission, the California Conference of
18 Directors of Environmental Health, counties, cities, and other
19 interested parties, shall adopt regulations or standards *that consist*
20 *of a risk-based, tiered approach* for the permitting and operation
21 of all of the following onsite sewage treatment systems in the state,
22 ~~shall categorize each of the following systems into regulatory tiers~~
23 ~~based on the demonstrated risk posed to the public health and the~~
24 ~~environment by each system~~, and shall apply those regulations or
25 standards commencing six months after their adoptions:

26 (1) Any system that is constructed or replaced.

27 (2) Any system that is subject to a major repair.

28 (3) Any system that pools or discharges to the surface.

29 (4) Any system that, in the judgment of a regional board or
30 authorized local agency, discharges waste that has the reasonable
31 potential to cause a violation of water quality objectives, or to
32 impair present or future beneficial uses of water, to cause pollution,
33 nuisance, or contamination of the waters of the state.

(b) Regulations or standards adopted pursuant to subdivision (a), shall include, but shall not be limited to, all of the following:

(1) Requirements that local programs include minimum operating standards that may include siting, construction, *performance requirements*, and monitoring to determine system performance.

(2) Requirements for onsite sewage treatment systems adjacent to impaired waters identified pursuant to subdivision (d) of Section 303 of the *federal* Clean Water Act (33 U.S.C. Sec. 1313(d)).

(3) Requirements authorizing a qualified local agency to implement the requirements adopted under this chapter within its jurisdiction.

(4) Requirements for corrective action when onsite sewage treatment systems fail to meet the requirements or standards.

(5) Exemption criteria to be established by the state board or the regional boards.

(6) Requirements for determining a system that is subject to a major repair, as provided in paragraph (2) of subdivision (a).

(c) This chapter does not diminish or otherwise affect the authority of a local agency to carry out laws, other than this chapter, that relate to onsite sewage treatment systems.

(d) This chapter does not preempt any regional board or local agency from adopting or retaining standards for onsite sewage treatment systems that are more protective of the public health or the environment than this chapter.

(e) Each regional board shall incorporate the regulations or standards adopted pursuant to subdivisions (a) and (b) into the appropriate regional water quality control plans.